

Message Text

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ACTION SS-14

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TO SECSTATE WASHDC IMMEDIATE 9061

C O N F I D E N T I A L USUN 3632

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LIMDIS

FOR UNDER SECRETARY MAW FROM AMB. LEARSON

DIST: L, IO, ARA, EA, NEA

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: UPCOMING PLENARY DEBATE ON FINAL CLAUSES

REF: USUN 3582

1) AS REPORTED REFTTEL, IT IS PROBABLE PLENARY DEBATE ON FINAL CLAUSES WILL INCLUDE PROPOSAL BY ARAB GROUP TO ENABLE OBSERVERS TO LOS CONFERENCE, INCLUDING PLO AND MICRO-NEASIA, TO BECOME PARTIES TO THE LOS CONVENTION. IN ADDITION, WE HAVE INFORMATION SUGGESTING CUBA WILL PROPOSE ENABLING PUERTO RICO TO BECOME A PARTY. THE PRIMARY PURPOSE OF THIS CABLE IS TO REQUEST YOUR ADVICE WITH REGARD TO POLITICAL ASPECTS OF OUR REACTION, SHOULD THESE DEVELOPMENTS OCCUR.

2) OUR SUBSTANTIVE POSITION HAS BEEN TO ENABLE ONLY STATES TO BECOME PARTIES TO THE CONVENTION. WE HAVE NOT YET TAKEN A POSITION ON THE EEC, WHICH DESIRES TO SIGN AS
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A COMMUNITY. THE EFFECT OF POSSIBLE EEC RATIFICATION ON

THE VOTING FORMULAE IN THE AUTHORITY REMAINS TO BE DETERMINED WITHIN THE COMMUNITY AND WOULD INFLUENCE OUR POSITION. UNTIL THAT ASPECT IS CLARIFIED, WE WILL REFRAIN FROM SUPPORTING EEC RATIFICATION AND EXPLAIN TO THE EEC MEMBERSHIP THAT THIS IS DUE BOTH TO THAT UNCERTAINTY AND THE TACTICAL DIFFICULTIES IN SUPPORTING THE EEC WHILE OTHERWISE REFUSING TO DEVIATE FROM A STATES ONLY POSITION. WE WILL ALSO TRY TO ENLIST THE EEC'S SUPPORT IN DELAYING THE DEBATE ON FINAL CLAUSES UNTIL THE NEXT SESSION SO THAT WE CAN COORDINATE THIS ASPECT OF OUR POSITIONS.

3) THE PROBABLE ARAB AND CUBAN PROPOSALS HAVE GREAT POTENTIAL FOR POLITICIZING THE DEBATES ON THE BASIS OF EXTRANEIOUS ISSUES. WE ARE NOT YET CLEAR WHETHER THE DEBATE ON FINAL CLAUSES WILL BE FORMAL AND ON THE RECORD OR INFORMAL. THE FORMER WOULD BE MORE LIKELY TO GENERATE HIGHLY POLITICIZED DEBATE AND ATTENDENT PUBLICITY, ALTHOUGH EVEN INFORMAL DEBATE CAN LEAD TO THOSE RESULTS ON THIS KIND OF AN ISSUE. IN EITHER EVENT, OUR OBJECTIVE WOULD BE TO DEFEAT THE PROPOSALS AND TO DO SO IN A MANNER CONSISTENT WITH OUR OVERALL POLITICAL POSTURE ON SUCH MATTERS. WE SHOULD NOT BE THE DELEGATION TO ESCALATE THE POLITICIZATION OF THE DEBATE UNLESS IT IS ESSENTIAL TO ACHIEVE THAT OBJECTIVE. IF THE DEBATE IS ON THE RECORD, OUR POSITION SHOULD BE CLEAR.

4) WITH RESPECT TO THE ARAB GROUP POSITION IN FAVOR OF THE PLO AND AFRICAN LIBERATION MOVEMENTS, I SEE THREE BASIC OPTIONS IN RESPECT OF OUR RESPONSE. FIRST, WE CAN MAKE A LOW-KEY STATEMENT IN FAVOR OF THE POSITION THAT ONLY STATES MAY BECOME PARTIES TO THE CONVENTION. SECOND, WE CAN ARGUE WITH VIGOR THAT IT MAKES NO SENSE FOR POLITICAL ENTITIES OTHER THAN STATES TO EXERCISE THE RIGHTS AND ASSUME THE DUTIES IN THIS CONVENTION. THIRD, WE CAN STATE FIRMLY THAT THE PROPOSAL IS UNACCEPTABLE TO THE UNITED STATES AND THAT WE WOULD NOT SIGN A TREATY THAT INCLUDED SUCH PROVISIONS. THESE ARE NOT MUTALLY EXCLUSIVE OPTIONS IN ALL RESPECTS, AND THERE ARE VARIATIONS ON EACH.

5) I TEND TO BELIEVE THAT OUR RESPONSE SHOULD DEPEND
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ON THE DEGREE OF SUPPORT THE ARAB GROUP GENERATES. IF SUPPORT FOR THE PROPOSAL IS LIMITED TO THE ARAB GROUP AND A FEW OTHER RADICAL LDC'S, WE MIGHT TAKE THE FIRST APPROACH WITH A SIMPLE STATEMENT ALONG THE LINES OF THE SECOND APPROACH. IF THERE IS SOME MODERATE LDC SUPPORT, WE COULD ADD TO THAT THE ARGUMENTATION FOR THE SCND PROPOSITION AND SUGGEST THE THIRD (AS BY SAYING THAT IT WOULD BE A PITY FOR THE GOAL OF A WIDELY ACCEPTABLE TREATY TO BE COMPROMISED OVER

EXTRANEIOUS POLITICAL ISSUES). IF IT APPEARS THAT WE HAVE A COORDINATED GROUP OF 77 POSITION TO CONTEND WITH, IT MAY BE NECESSARY TO MAKE A STRONG STATEMENT INCORPORATING ALL THREE APPROACHES.

6) WITH RESPECT TO PUERTO RICO, I SEE TWO BASIC OPTIONS, ALTHOUGH VARIATIONS ARE POSSIBLE HERE AS WELL. FIRST, WE COULD TREAT THE PROPOSAL AS BARELY MERITING A RESPONSE AND HOPE IT GOES AWAY. SECOND, WE COULD DENOUNCE THE PROPOSAL IN NO UNCERTAIN TERMS. IF CUBA IS VIRTUALLY ALONE ON ITS POSITION, I TEND TO FAVOR THE FIRST APPROACH WITH AN INDICATION THAT THE SUGGESTION IS OUT OF BOUNDS. IF SUPPORT DEVELOPS, I SEE LITTLE ALTERNATIVE BUT TO REACT STRONGLY.

7) MICRONESIA PRESENTS A MORE SENSITIVE PROBLEM SINCE THE MICRONESIANS CAN COME BACK AT US IN THE TRUSTEESHIP COUNCIL AND A LINK COULD BE MADE TO THE SO-CALLED TRANSITIONAL PROVISION. (PUERTO RICO DOES NOT, TO OUR KNOWLEDGE REALLY WISH TO BE A PARTY AND HERE RECOURSE LIES WITHIN THE USG IN ANY EVENT). I BELIEVE OUR GENERAL APPROACH SHOULD BE THAT THE QUESTION IS BEST DEALT WITH IN THE TRUSTEESHIP CONTEXT AND THE STATUS NEGOTIATIONS. THE LOS CONFERENCE IS NOT THE PROPER PLACE TO ANTICIPATE THE RESULTS OF THOSE ON-GOING PROCESSES. BEYOND THAT, OUR REACTION TO THE ANTICIPATED PLO AND PUERTO RICO PROPOSALS COULD BE SUFFICIENT TO MEET THE POINT WITHOUT CONFRONTING MICRONESIA DIRECTLY.

8) I WOULD APPRECIATE YOUR GUIDANCE ON THESE QUESTIONS. THE ISSUE SHOULD NOT ARISE BEFORE THE FIRST OF NEXT WEEK, IF IT COMES UP AT THIS SESSION AT ALL. SUGGESTED TALKING POINTS WOULD BE APPRECIATED FROM THOSE

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WHO DEAL WITH THESE ISSUES OUTSIDE THE LOS CONTEXT.

9) ON OTHER ISSUES THAT WILL ARISE IN THE DEBATE ON FINAL CLAUSES, INCLUDING ENTRY INTO FORCE AND PROVISIONAL APPLICATION, WE WILL FOLLOW THE POSITION SET FORTH IN NSC-D/LOS #478 OF NOV. 3, 1975, AND WILL PROPOSE THE ARTICLE ON PROVISIONAL APPLICATION SET FORTH THEREIN.

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